IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3796 OF 2006

Laxmi Educational & Social Society,
Gurukul Grand Union School. ...Petitioner
V/s.
The State of Maharashtra & Ors. ...Respondents

Shri M.R. Jhakde for Petitioner.
Shri R.D. Rane, GP for Respondent No.1.
Shri B.D. Joshi for Respondent No.2.

CORAM : V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATED : JUNE 7, 2006

P.C. :-

. By this petition, the petitioner has challenged the action of the Municipality. The petitioner makes the following prayers :-

(a) That this Hon'ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of writ of mandamus or any other appropriate writ, order of direction, under Article 226 of the Constitution of India and be pleased to quash and set aside the impugned order dated 1.6.2006 No.NRV/06-7/262 passed by Respondent No.2;

(b) That this Hon'ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature of writ of mandamus or any other appropriate writ, order or direction under Article 226 of the Constitution of India, quashed and setting aside the impugned order dated 1.6.2006 No.NRV/06-7/262 passed by Respondent No.2;

(c) That the Respondent Council be directed to compensate the Petitioner Trust for the demolition which is carried out by the Respondent Council on 2.6.2006 and 3.6.2006;

(d) That pending the hearing and final disposal of the Writ Petition, this Hon'ble Court be pleased to restrain the Respondent No.2 by an order of mandatory injunction from in any manner proceeding in furtherance of the impugned order dated 1.6.2006 No.NRV/06-7/262 passed by Respondent No.2 and the demolition notice dated

25.10.2005 in respect of the building structure of the Petitioner Trust known as "Gurukul Grand Union School" constructed on CTS No.4400, 4401 and 4391, Old Survey No.38(part) and 164/2;

(e) Ad-interim and interim reliefs in terms of prayer clauses (c) above;

(f) for such further and other reliefs as this Hon'ble Court may deed fit and proper.

2. From perusal of the prayers, it is obvious that the demolition of construction which according to the Municipality was illegal or without sanction, has already taken place.

3. By prayer (a), the petitioner impugns the order dated 1.6.2006 passed by the respondent no.2 on a representation made to the respondent-Municipality by the petitioner in pursuance of an earlier order of this Court. On that occasion also, this Court did not in any manner interfere with the actions of the

respondent-Municipality. The order is well reasoned order and there is no need to interfere with the same. Prayer (b) also pertains to the passing of the same order. Prayer (c) seeks compensation. Compensation for illegal act done can be obtained by filing proper civil suit and proving that the demolition was factually illegal. Such relief cannot be granted in writ jurisdiction. Prayer (d) is for interim relief. Prayer (e) is for ad-interim relief. In view of the fact that none of the prayers can be considered in writ jurisdiction, the writ petition is dismissed.

(V.G. PALSHIKAR, J.)

(V.M. KANADE, J.)